

Attorney Docket
33082 M 123



Shw

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CONFIRMATION NO. 2600

Applicants : Masayuki TOMOYASU
Serial No. : 10/049,989 Art Unit : 1763
Filed : February 20, 2002 Examiner : Anna M. CROWELL
For : Plasma Processing System, and Plasma Processing Method

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir :

This is in reply to the Office Action of April 23, 2004 which required election of a single species. The due date for response is May 23, 2004.

The alleged species are as follows:

- Species I corresponding to Figure 1;
- Species II corresponding to Figure 7; and
- Species III corresponding to Figure 9.

Applicant elects Species II, corresponding to Figure 7, for examination in this application. This election is made with traverse for the following reasons.

First, Applicant submits that, in addition to claim 1, claim 23 also is generic. Applicant regards claim 23 as a generic method claim.

Next, Applicant notes that in the Office Action, the Examiner provided a listing of claims purportedly corresponding to each of the three alleged species. Applicant acquiesces in the Examiner's conclusion regarding the claims which read upon alleged


Species I. However, Applicant respectfully disagrees with the Examiner's listing of the claims in connection with Species II and Species III. Rather, Applicant urges that Species II, if corresponding to Figure 7, then corresponds to claims 1, 2, 8-14, 21, 22, 23, 24, 25, 26 and 27. Species III, if corresponding to Figure 9, then corresponds to claims 1-2, 15-21, 22, 23, 24, 25, 26 and 27. The underlining indicates additional claims designated by the Applicant.

In view of the foregoing, Applicant elects Species II, but respectfully submits that this species is described by several more claims than the Examiner has indicated. In particular, claims 1, 2 and 23-25 must be added to the listing of claims of alleged Species II. Further, at this time, Applicant expressly reserves the right to file divisional applications directed to claims of the non-elected species.

It is submitted that this application now is in condition for examination on the merits and early action in that regard is earnestly solicited.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP



Michael A. Makuch, Reg. 32,263
1850 M Street, NW – Suite 800
Washington, DC 20036
Telephone : 202/263-4300
Facsimile : 202/263-4329

Date : May 21, 2004